

Department of Recreation, Park & Tourism Administration  
Western Illinois University

RPTA 323: Administration of Leisure Services II

**The ADA & Employment Discrimination**

---

Under Title I of the ADA, “covered entities” — which for practical purposes now means all organizations — may not discriminate against otherwise qualified individuals on the basis of disability in regard to job application procedures; the hiring, advancement or discharge of employees; employee compensation, job training, or other terms, conditions; and privileges of employment [see 42 United States Code 12112(a)].

For these purposes, any of the following count as discrimination:

1. Limiting, segregating, or classifying a job applicant or employee in a way that adversely affects the opportunities or status of the applicant or employee;
2. Participating in a contractual or other arrangement or relationship that has the effect of subjecting an organization’s qualified applicants or employees to discrimination;
3. Utilizing standards, criteria, or other methods of administration that have the effect of discrimination on the basis of disability;
4. Not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability, unless the organization can demonstrate that the accommodation would impose an undue hardship on the operation of the business of the organization;
5. Denying employment opportunities to a job applicant or employee who is otherwise qualified, if such denial is based on the need to make reasonable accommodation;
6. Using qualification standards, employment tests or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities unless the standard, test or other selection criterion is shown to be job related for the position in question and is consistent with business necessity; and
7. Subjecting applicants or employees to prohibited medical inquiries examinations.

Source: Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act, as Amended. *Federal Register* (vol. 76 #58) (25 March 2011), 16978 - 17017 at p. 17003.